

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EASTERN CONTRACTORS, INC.,

Plaintiff,

v.

CITY OF WORCESTER and THOMAS R.
HOOVER, City Manager, and, HEERY
INTERNATIONAL, INC. and THOMAS E.
ELLIS, JR.

Defendants.

C.A. NO. 03-12216MLW

**ASSENTED-TO MOTION FOR LEAVE OF COURT TO FILE REPLY BRIEF IN
RESPONSE TO OPPOSITION OF THE DEFENDANTS, HEERY
INTERNATIONAL INC.'S AND THOMAS E. ELLIS JR.'S, TO PLAINTIFF'S
MOTION FOR CONTINUANCE OF HEARING ON MOTION FOR SUMMARY
JUDGMENT**

Now comes the Plaintiff, Eastern Contractors, Inc. (hereinafter "Eastern") and hereby moves this Honorable Court for leave of court to file a reply brief in opposition to Defendants, Heery International, Inc.'s and Thomas E. Ellis, Jr.'s (collectively "Heery") Memorandum in Opposition to Plaintiff's Motion for Continuance of Hearing on Motion for Summary Judgment. Eastern submits this motion pursuant to Local Rule 7.1(B)(3).

As grounds for this motion, Eastern submits that in the interests of justice it be allowed to respond to matters set forth in Heery's opposition that are critical to Eastern. Eastern further states that no party will be unfairly prejudiced by the allowance of this motion. Plaintiff asserts a reasonable time for filing its reply to be December 3, 2004. Plaintiff further agrees and assents to the filing of a sur-reply by Heery within ten (10) of

the filing of Eastern's Reply Brief. Finally, counsel for Heery, Warren Hutchison, Esquire., has indicated his assent to this motion.

WHEREFORE, the Plaintiff, Eastern, respectfully requests that the Court grant this Motion for Leave of Court to File a Reply Brief.

Respectfully submitted,
EASTERN CONTRACTORS, INC.
By its attorney,

//s//

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//s//

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Assented to:

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CITY OF WORCESTER,
By their attorney,
David M. Moore
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//s//

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Dated: November 24, 2004